

105TH CONGRESS
2D SESSION

H. R. 4566

To make technical and clarifying amendments to the National Capital
Revitalization and Self-Government Improvement Act of 1997.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1998

Mr. DAVIS of Virginia introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Courts and Justice Technical Corrections Act of 1998”.

1 **SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RE-**
2 **LATING TO JUDICIAL RETIREMENT PRO-**
3 **GRAM.**

4 (a) ADMINISTRATION OF JUDICIAL RETIREMENT
5 AND SURVIVORS ANNUITY FUND.—Section 11–1570, Dis-
6 trict of Columbia Code, as amended by section 11251 of
7 the Balanced Budget Act of 1997, is amended as follows:

8 (1) In subsection (b)(1)—

9 (A) by striking “title I of the National
10 Capital Revitalization and Self-Government Im-
11 provement Act of 1997” and inserting “subtitle
12 A of title XI of the Balanced Budget Act of
13 1997”; and

14 (B) by inserting after the second sentence
15 the following new sentences: “Notwithstanding
16 any other provision of District law or any other
17 law, rule, or regulation, any Trustee, contrac-
18 tor, or enrolled actuary selected by the Sec-
19 retary under this subsection may, with the ap-
20 proval of the Secretary, enter into one or more
21 subcontracts with the District of Columbia gov-
22 ernment or any person to provide services to
23 such Trustee, contractor, or enrolled actuary in
24 connection with its performance of its agree-
25 ment with the Secretary. Such Trustee, con-
26 tractor, or enrolled actuary shall monitor the

1 performance of any subcontract to which it is a
2 party and enforce its provisions.”.

3 (2) In subsection (b)(2)—

4 (A) by striking “chief judges of the Dis-
5 trict of Columbia Court of Appeals and Supe-
6 rior Court of the District of Columbia” and in-
7 serting “Secretary”;

8 (B) by striking “and the Secretary”;

9 (C) by striking “and appropriations”; and

10 (D) by striking “and deficiency”.

11 (3) By amending subsection (c) to read as fol-
12 lows:

13 “(c)(1) Amounts in the Fund are available—

14 “(A) for the payment of judges retirement pay,
15 annuities, refunds, and allowances under this sub-
16 chapter;

17 “(B) to cover the reasonable and necessary ex-
18 penses of administering the Fund under any agree-
19 ment entered into with a Trustee, contractor, or en-
20 rolled actuary under subsection (b)(1), including any
21 agreement with a department, agency or instrumen-
22 tality of the United States; and

23 “(C) to cover the reasonable and necessary ad-
24 ministrative expenses incurred by the Secretary in

1 carrying out the Secretary's responsibilities under
2 this subchapter.

3 “(2) Notwithstanding any other provision of District
4 law or any other law, rule, or regulation—

5 “(A) the Secretary may review benefit deter-
6 minations under this subchapter made prior to the
7 date of the enactment of the Balanced Budget Act
8 of 1997, and shall make initial benefit determina-
9 tions after such date; and

10 “(B) the Secretary may recoup or recover, or
11 waive recoupment or recovery of, any amounts paid
12 under this subchapter as a result of errors or omis-
13 sions by any person.”.

14 (4) In subsection (d)(1)—

15 (A) by striking “Subject to the availability
16 of appropriations, there shall be deposited into
17 the Fund” and inserting “The Secretary shall
18 pay into the Fund from the General Fund of
19 the Treasury”; and

20 (B) by striking “(beginning with the first
21 fiscal year which ends more than 6 months
22 after the replacement plan adoption date de-
23 scribed in section 103(13) of the National Cap-
24 ital Revitalization and Self-Government Im-
25 provement Act of 1997)”.

1 (5) In subsection (d)(2)(A)—

2 (A) by striking “June 30, 1997” and in-
3 serting “September 30, 1997”; and

4 (B) by striking “net the sum of future nor-
5 mal cost” and inserting “net of the sum of the
6 present value of future normal costs”.

7 (6) In subsection (d)(3), by striking “shall be
8 taken from sums available for that fiscal year for
9 the payment of the expenses of the Court, and”.

10 (7) By adding at the end the following new sub-
11 sections:

12 “(h) For purposes of the Internal Revenue Code of
13 1986—

14 “(1) the Fund shall be treated as a trust de-
15 scribed in section 401(a) of the Code that is exempt
16 from taxation under section 501(a) of the Code;

17 “(2) any transfer to or distribution from the
18 Fund shall be treated in the same manner as a
19 transfer to or distribution from a trust described in
20 section 401(a) of the Code; and

21 “(3) the benefits provided by the Fund shall be
22 treated as benefits provided under a governmental
23 plan maintained by the District of Columbia.

24 “(i) For purposes of the Employee Retirement In-
25 come Security Act of 1974, the benefits provided by the

1 Fund shall be treated as benefits provided under a govern-
 2 mental plan maintained by the District of Columbia.

3 “(j) To the extent that any provision of subpart A
 4 of part I of subchapter D of the chapter 1 of the Internal
 5 Revenue Code of 1986 (26 U.S.C. 401 et seq.) is amended
 6 after the date of the enactment of this subsection, such
 7 provision as amended shall apply to the Fund only to the
 8 extent the Secretary determines that application of the
 9 provision as amended is consistent with the administration
 10 of this subchapter.

11 “(k) Federal obligations for benefits under this sub-
 12 chapter are backed by the full faith and credit of the
 13 United States.”.

14 (b) REGULATORY AUTHORITY OF SECRETARY.—Sec-
 15 tion 11251 of the Balanced Budget Act of 1997 (Public
 16 Law 105–33; 111 Stat. 756) is amended—

17 (1) by redesignating subsection (b) as sub-
 18 section (c);

19 (2) by inserting after subsection (a) the follow-
 20 ing new subsection:

21 “(b) REGULATIONS; EFFECT ON REFORM ACT.—
 22 Title 11, District of Columbia Code, is amended by adding
 23 the following new section:

1 **‘§ 11–1572. Regulations; effect on Reform Act.**

2 ‘(a) The Secretary is authorized to issue regulations
3 to implement, interpret, administer and carry out the pur-
4 poses of this subchapter, and, in the Secretary’s discre-
5 tion, those regulations may have retroactive effect, except
6 that nothing in this subsection may be construed to permit
7 the Secretary to issue any regulation to retroactively re-
8 duce or eliminate the benefits to which any individual is
9 entitled under this subchapter.

10 ‘(b) This subchapter supersedes any provision of the
11 District of Columbia Retirement Reform Act (Public Law
12 96–122) inconsistent with this subchapter and the regula-
13 tions thereunder.’.”; and

14 (3) by amending subsection (c) (as so redesign-
15 nated) to read as follows:

16 “(c) CLERICAL AMENDMENTS.—

17 “(1) The table of sections for subchapter III of
18 chapter 15 of title 11, District of Columbia Code, is
19 amended by amending the item relating to section
20 11–1570 to read as follows:

‘11–1570. The District of Columbia Judicial Retirement and Survivors Annuity
Fund.’.

21 “(2) The table of sections for subchapter III of
22 chapter 15 of title 11, District of Columbia Code, is

1 amended by adding at the end the following new
2 item:

‘11–1572. Regulations; effect on Reform Act.’”

3 (c) TERMINATION OF PREVIOUS FUND AND PRO-
4 GRAM.—Section 124 of the District of Columbia Retire-
5 ment Reform Act (DC Code, sec. 1–714), as amended by
6 section 11252(a) of the Balanced Budget Act of 1997, is
7 amended—

8 (1) in subsection (a), by inserting “(except as
9 provided in section 11–1570, District of Columbia
10 Code)” after “the following”;

11 (2) in subsection (c)(1), by striking “title I of
12 the National Capital Revitalization and Self-Govern-
13 ment Improvement Act of 1997” and inserting “sub-
14 title A of title XI of the Balanced Budget Act of
15 1997”; and

16 (3) in subsection (c)(2)—

17 (A) by striking “(2) The” and inserting
18 “(2) In accordance with the direction of the
19 Secretary, the”;

20 (B) by striking “in the Treasury” and in-
21 serting “at the Board”; and

22 (C) by striking “appropriated” and insert-
23 ing “used”.

1 (d) ADMINISTRATION OF RETIREMENT FUNDS.—
2 Section 11252 of the Balanced Budget Act of 1997 is
3 amended—

4 (1) by redesignating subsection (b) as sub-
5 section (c);

6 (2) by inserting after subsection (a) the follow-
7 ing new subsection:

8 “(b) TRANSITION FROM DISTRICT OF COLUMBIA AD-
9 MINISTRATION.—Sections 11023, 11032(b)(2), 11033(d),
10 and 11041 shall apply to the administration of the District
11 of Columbia Judges Retirement Fund established under
12 section 124 of the District of Columbia Retirement Re-
13 form Act (DC Code, sec. 1–714), the District of Columbia
14 Judicial Retirement and Survivors Annuity Fund estab-
15 lished under section 11–1570, District of Columbia Code,
16 and the retirement program for judges under subchapter
17 III of chapter 15 of title 11, District of Columbia Code,
18 except as follows:

19 “(1) In applying each such section—

20 “(A) any reference to this subtitle shall in-
21 stead refer to subchapter III of chapter 15 of
22 title 11, District of Columbia Code;

23 “(B) any reference to the District Retire-
24 ment Program shall be deemed to include the
25 retirement program for judges under sub-

1 chapter III of chapter 15 of title 11, District of
2 Columbia Code;

3 “(C) any reference to the District Retirement
4 Fund shall be deemed to include the District
5 of Columbia Judges Retirement Fund established
6 under section 124 of the District of
7 Columbia Retirement Reform Act;

8 “(D) any reference to Federal benefit payments
9 shall be deemed to include judges retirement
10 pay, annuities, refunds and allowances
11 under subchapter III of chapter 15 of title 11,
12 District of Columbia Code;

13 “(E) any reference to the Trust Fund shall
14 instead refer to the District of Columbia Judicial
15 Retirement and Survivors Annuity Fund
16 established under section 11–1570, District of
17 Columbia Code;

18 “(F) any reference to section 11033 shall
19 instead refer to section 124 of the District of
20 Columbia Retirement Reform Act, as amended
21 by section 11252; and

22 “(G) any reference to chapter 2 shall instead
23 refer to section 11–1570, District of Columbia
24 Code.

25 “(2) In applying section 11023—

1 “(A) any reference to the contract shall in-
2 stead refer to the agreement referred to in sec-
3 tion 11–1570(b), District of Columbia Code;
4 and

5 “(B) any reference to the Trustee shall in-
6 stead refer to the Trustee or contractor referred
7 to in section 11–1570(b), District of Columbia
8 Code.

9 “(3) In applying section 11033(d)—

10 “(A) any reference to this section shall in-
11 stead refer to section 124 of the District of Co-
12 lumbia Retirement Reform Act, as amended by
13 section 11252; and

14 “(B) any reference to the Trustee shall in-
15 stead refer to the Secretary or the Trustee or
16 contractor referred to in section 11–1570(b),
17 District of Columbia Code.

18 “(4) In applying section 11041(b), any ref-
19 erence to the Trustee shall instead refer to the
20 Trustee or contractor referred to in section 11–
21 1570(b), District of Columbia Code.”; and

22 (3) by adding at the end the following new sub-
23 section:

24 “(d) EFFECTIVE DATE.—The provisions of sub-
25 section (c) shall take effect on the date on which the assets

1 of the District of Columbia Judges Retirement Fund are
2 transferred to the District of Columbia Judicial Retirement
3 and Survivors Annuity Fund.”.

4 (e) MISCELLANEOUS TECHNICAL AND CLERICAL
5 AMENDMENTS.—(1) Sections 11–1568(d) and 11–1569,
6 District of Columbia Code, are each amended by striking
7 “Mayor” each place it appears and inserting “Secretary
8 of the Treasury”.

9 (2) Section 11–1568.2, District of Columbia Code, is
10 amended by striking “Mayor of the District of Columbia”
11 each place it appears and inserting “Secretary of the
12 Treasury”.

13 (3) Section 121(b)(1)(A) of the District of Columbia
14 Retirement Reform Act (DC Code, sec. 1–711(b)(1)(A)),
15 as amended by section 11252(c)(1) of the Balanced Budget
16 Act of 1997 (as redesignated by subsection (d)(1)), is
17 amended in the matter preceding clause (i), by striking
18 “11” and inserting “12”.

19 (4) Section 11–1561(4), District of Columbia Code,
20 as amended by section 11253(b) of the Balanced Budget
21 Act of 1997, is amended by striking “sections” and insert-
22 ing “section”.

23 (5) Section 11253(c) of the Balanced Budget Act of
24 1997 (Public Law 105–33; 111 Stat. 759) is amended to
25 read as follows:

1 “(c) TREATMENT OF FEDERAL SERVICE OF
2 JUDGES.—Section 11–1564, District of Columbia Code,
3 is amended—

4 “(1) in subsection (d)(2)(A), by striking ‘sec-
5 tion 1–1814)’ and inserting ‘section 1–714) or the
6 District of Columbia Judicial Retirement and Sur-
7 vivors Annuity Fund (established by section 11–
8 1570)’; and

9 “(2) in subsection (d)(4), by striking ‘Judges
10 Retirement Fund established by section 124(a) of
11 the District of Columbia Retirement Reform Act’
12 and inserting ‘Judicial Retirement and Survivors
13 Annuity Fund under section 11–1570’.”.

14 (6) Section 11253 of the Balanced Budget Act of
15 1997 (Public Law 105–33; 111 Stat. 759) is amended by
16 adding at the end the following new subsection:

17 “(d) REDEPOSITS TO FUND.—Section 11–
18 1568.1(4)(A), District of Columbia Code, is amended by
19 striking ‘Judges Retirement Fund’ and inserting ‘Judicial
20 Retirement and Survivors Annuity Fund’.”.

21 (f) EFFECTIVE DATE.—The amendments made by
22 subsections (a)(2), (a)(4), and (a)(6) shall take effect Oc-
23 tober 1, 1998.

1 **SEC. 3. RETIREMENT ELECTION FOR CERTAIN FORMER EM-**
2 **PLOYEES OF THE DISTRICT OF COLUMBIA.**

3 (a) IN GENERAL.—Notwithstanding any provision of
4 the District of Columbia Code, or of chapter 83 or chapter
5 84 of title 5, United States Code, a former employee of
6 the District of Columbia who is hired by the Department
7 of Justice, or by the agency established by section
8 11233(a) of the Balanced Budget Act of 1997 (hereafter
9 in this section referred to as the “Agency”), on or after
10 August 5, 1997, may elect, within 60 days after the
11 issuance of regulations pursuant to subsection (c), or with-
12 in 60 days of being hired, if later, to be covered by the
13 retirement system of the District of Columbia under which
14 the person was most recently covered. No election under
15 this subsection may be made by a person who is hired
16 more than one year after the date on which the Lorton
17 Correctional Complex is closed, or more than one year
18 after the date on which the Agency assumes its duties,
19 whichever is later.

20 (b) PERIOD OF ELECTION.—The election authorized
21 by subsection (a) shall remain in force until the employee
22 is no longer employed by the agency in which he or she
23 was employed at the time the election was made.

24 (c) REGULATIONS.—The election authorized by sub-
25 section (a) shall be in accordance with regulations issued
26 by the Office of Personnel Management after consulting

1 with the Department of Justice, the Agency, and the gov-
2 ernment of the District of Columbia. The government of
3 the District of Columbia shall administer the retirement
4 coverage for any employee making such an election.

5 **SEC. 4. LEAVE FOR CERTAIN FORMER EMPLOYEES OF THE**
6 **DISTRICT OF COLUMBIA.**

7 (a) IN GENERAL.—Notwithstanding any provision of
8 law, a former employee of the District of Columbia who
9 is hired by the Department of Justice, or by the agency
10 established by section 11233(a) of the Balanced Budget
11 Act of 1997 (hereafter in this section referred to as the
12 “Agency”), on or after August 5, 1997, shall—

13 (1) in determining the rate of accrual of annual
14 leave under section 6303 of title 5, United States
15 Code, be entitled to credit for service as an employee
16 of the District of Columbia;

17 (2) to the extent that the employee has not
18 used or otherwise been compensated for annual leave
19 accrued as an employee of the District of Columbia,
20 have all such accrued annual leave transferred, in
21 accordance with the procedures established under
22 section 6308 of title 5, United States Code, to the
23 credit of the employee in the new employing agency;
24 and

1 (3) to the extent the employee has not used or
2 otherwise been compensated for sick leave accrued
3 as an employee of the District of Columbia, have all
4 such accrued sick leave transferred, in accordance
5 with the procedures established under section 6308
6 of title 5, United States Code, to the credit of the
7 employee in the new employing agency.

8 (b) TERMINATION.—Subsection (a) is not applicable
9 to any former employee of the District of Columbia who
10 is hired by the Department of Justice or the Agency more
11 than one year after the date on which the Lorton Correc-
12 tional Complex is closed, or more than one year after the
13 date on which the Agency assumes its duties, whichever
14 is later.

15 **SEC. 5. CLARIFICATION OF PROVISIONS RELATING TO PRI-**
16 **ORITY CONSIDERATION FOR SEPARATED EM-**
17 **PLOYEES OF THE DISTRICT OF COLUMBIA**
18 **DEPARTMENT OF CORRECTIONS.**

19 (a) IN GENERAL.—Section 11203(b) of the Balanced
20 Budget Act of 1997 (DC Code, sec. 24–1203(b)) is
21 amended by amending the second sentence to read as fol-
22 lows: “The priority consideration program shall also in-
23 clude provisions under which an employee described in
24 subsection (a) who has not been appointed to a Federal
25 Bureau of Prisons law enforcement position and who ap-

1 plies for another Federal position in the competitive serv-
 2 ice shall receive priority consideration and may be given
 3 a competitive service appointment noncompetitively to
 4 such a competitive service position.”.

5 (b) RELOCATION ALLOWANCE.—Section 11203(b) of
 6 such Act (DC Code, sec. 24–1203(b)) is amended by in-
 7 serting after the second sentence the following: “The Di-
 8 rector of the Bureau of Prisons may provide a relocation
 9 allowance to any individual who is hired by the Director
 10 under the program established under this section for a po-
 11 sition outside of the Washington Metropolitan Area.”.

12 (c) EFFECTIVE DATE; TREATMENT OF INDIVIDUALS
 13 GIVEN PRIORITY PRIOR TO ENACTMENT.—(1) The
 14 amendment made by subsection (a) shall take effect on
 15 the date of enactment of this Act.

16 (2) Individuals who have been appointed with ex-
 17 cepted service appointments under section 11203(b) of the
 18 Balanced Budget Act of 1997 prior to the date of the en-
 19 actment of this Act shall be converted noncompetitively
 20 to competitive service appointments in their current posi-
 21 tions.

22 **SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS RE-**
 23 **LATING TO DISTRICT OF COLUMBIA COURTS.**

24 (a) AUTHORITY OF JOINT COMMITTEE ON JUDICIAL
 25 ADMINISTRATION TO EXCLUDE TEMPORARY EMPLOYEES

1 FROM FERS.—Section 8402(c) of title 5, United States
2 Code, is amended by adding at the end the following:

3 “(9) The Joint Committee on Judicial Administration
4 in the District of Columbia may exclude from the oper-
5 ation of this chapter an employee of the District of Colum-
6 bia Courts whose employment is temporary or of uncertain
7 duration.”.

8 (b) REPEAL OF FUNDING THROUGH STATE JUSTICE
9 INSTITUTE.—

10 (1) FUNDING OF COURTS.—Section 11241(a) of
11 the Balanced Budget Act of 1997 (DC Code, sec.
12 11–1743 note) and section 11–2608, District of Co-
13 lumbia Code (as amended by section 11262(b) of the
14 Balanced Budget Act of 1997) are each amended by
15 striking “through the State Justice Institute” and
16 inserting “for payment to the Joint Committee on
17 Judicial Administration in the District of Colum-
18 bia”.

19 (2) FUNDING OF OTHER AGENCIES.—Section
20 11234 of such Act (DC Code, sec. 24–1234) is
21 amended by striking “through the State Justice In-
22 stitute”.

23 (c) OTHER MISCELLANEOUS TECHNICAL AND CON-
24 FORMING AMENDMENTS.—(1) Section 11241(b) of the
25 Balanced Budget Act of 1997 (Sec. 11–1743 note, Dis-

1 triet of Columbia Code) is amended by striking “Superior
2 Court for” and inserting “Superior Court of”.

3 (2)(A) Section 1 of the Act entitled “An Act for the
4 establishment of a probation system for the District of Co-
5 lumbia”, approved June 25, 1910 (36 Stat. 864), as
6 amended and reenacted by the Act entitled “An Act to
7 amend and reenact an Act for the establishment of a pro-
8 bation system for the District of Columbia”, approved
9 March 4, 1919 (40 Stat. 1324–25; DC Code, sec. 24–
10 101), is repealed.

11 (B) Section 5 of the Act entitled “An Act for the es-
12 tablishment of a probation system for the District of Co-
13 lumbia”, approved June 25, 1910 (36 Stat. 865), as
14 amended and reenacted by the Act entitled “An Act to
15 amend and reenact an Act for the establishment of a pro-
16 bation system for the District of Columbia”, approved
17 March 14, 1919 (40 Stat. 1324–25; DC Code, sec. 24–
18 105), is repealed.

19 **SEC. 7. DISTRICT OF COLUMBIA PUBLIC DEFENDER SERV-**
20 **ICE.**

21 (a) REMOVING SERVICE FROM JURISDICTION OF OF-
22 FENDER SUPERVISION TRUSTEE AND AGENCY.—

23 (1) AUTHORITY OF TRUSTEE.—Section
24 11232(b)(2) of the Balanced Budget Act of 1997
25 (DC Code, sec. 24–1232(b)(2)) is amended by strik-

1 ing “, except that” and all that follows through
2 “Service”.

3 (2) AUTHORITY OF AGENCY.—Section 11233(e)
4 of such Act (DC Code, sec. 24–1233(e)) is amended
5 as follows:

6 (A) In the heading, striking “AND PUBLIC
7 DEFENDER SERVICE”.

8 (B) Amend paragraph (1) to read as fol-
9 lows:

10 “(1) INDEPENDENT ENTITY.—The District of
11 Columbia Pretrial Services Agency established by
12 subchapter I of chapter 13 title 23, District of Co-
13 lumbia Code shall function as an independent entity
14 within the Agency.”.

15 (C) Strike paragraph (3) and redesignate
16 paragraphs (4) and (5) as paragraphs (3) and
17 (4).

18 (D) In paragraph (3) (as so redesign-
19 nated)—

20 (i) strike “, the District of Columbia
21 Public Defender Service,”; and

22 (ii) strike “or the District of Colum-
23 bia Public Defender Service”.

1 (E) In paragraph (4)(A) (as so redesign-
2 nated), strike “and the District of Columbia
3 Public Defender Service” each place it appears.

4 (3) AUTHORIZATION OF APPROPRIATIONS.—
5 Section 11234 of such Act (DC Code, sec. 24–1234)
6 is amended by striking paragraph (2) and redesign-
7 nating the succeeding paragraphs accordingly.

8 (4) PERMITTING TRUSTEE TO EXERCISE AU-
9 THORITIES ON BEHALF OF SERVICE AT REQUEST OF
10 DIRECTOR OF THE SERVICE.—Section 11232 of such
11 Act (DC Code, sec. 24–1232) is amended by adding
12 at the end the following new subsection:

13 “(i) EXERCISE OF AUTHORITY ON BEHALF OF PUB-
14 LIC DEFENDER SERVICE.—At the request of the Director
15 of the District of Columbia Public Defender Service, the
16 Trustee may exercise any of the powers and authorities
17 of the Trustee on behalf of such Service in the same man-
18 ner and to the same extent as the Trustee may exercise
19 such powers and authorities in relation to any agency de-
20 scribed in subsection (b).”.

21 (b) REVISING NAME OF TRUSTEE.—

22 (1) IN GENERAL.—Section 11232 of the Bal-
23 anced Budget Act of 1997 (DC Code, sec. 24–1233)
24 is amended—

1 (A) in the heading, by striking “**DE-**
2 **FENSE SERVICES**,”; and

3 (B) in subsection (a)(1), by striking “De-
4 fense Services,”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents for title XI of the Balanced Budget Act of
7 1997 is amended in the item relating to section
8 11232 by striking “Defense Services,”.

9 (c) REVISING NAME OF AGENCY.—

10 (1) IN GENERAL.—Section 11233 of the Bal-
11 anced Budget Act of 1997 (DC Code, sec. 24–1233)
12 is amended—

13 (A) in the heading, by striking “**OF-**
14 **FENDER SUPERVISION, DEFENDER**
15 **AND COURTS SERVICES**” and inserting
16 “**COURT SERVICES AND OFFENDER**
17 **SUPERVISION**”; and

18 (B) in subsection (a), by striking “the Dis-
19 trict of Columbia Offender Supervision, De-
20 fender, and Courts Services Agency” and in-
21 serting “the Court Services and Offender Su-
22 pervision Agency for the District of Columbia”.

23 (2) CONFORMING AMENDMENTS.—(A) Section
24 11231 of the Balanced Budget Act of 1997 (DC
25 Code, sec. 24–1231) is amended by striking “the

1 District of Columbia Offender Supervision, De-
2 fender, and Courts Services Agency” each place it
3 appears in subsections (a)(2), (a)(3), and (b) and in-
4 serting “the Court Services and Offender Super-
5 vision Agency for the District of Columbia”.

6 (B) Section 11232 of such Act (DC Code, sec.
7 24–1232) is amended by striking “the District of
8 Columbia Offender Supervision, Defender, and
9 Courts Services Agency” each place it appears in
10 subsections (b) and (h) and inserting “the Court
11 Services and Offender Supervision Agency for the
12 District of Columbia”.

13 (C) Section 23–1304(a), District of Columbia
14 Code (as amended by section 11271(a) of the Bal-
15 anced Budget Act of 1997) is amended by striking
16 “the District of Columbia Offender Supervision, De-
17 fender, and Courts Services Agency” and inserting
18 “the Court Services and Offender Supervision Agen-
19 cy for the District of Columbia”.

20 (D) Section 23–1307, District of Columbia
21 Code (as amended by section 11271(a) of the Bal-
22 anced Budget Act of 1997) is amended—

23 (i) by striking “(a)”; and

24 (ii) by striking “the District of Columbia
25 Offender Supervision, Defender, and Courts

1 Services Agency” and inserting “the Court
2 Services and Offender Supervision Agency for
3 the District of Columbia”.

4 (E) Section 23–1308, District of Columbia
5 Code (as amended by section 11271(a) of the Bal-
6 anced Budget Act of 1997) is amended by striking
7 “the District of Columbia Offender Supervision, De-
8 fender, and Courts Services Agency” each place it
9 appears and inserting “the Court Services and Of-
10 fender Supervision Agency for the District of Colum-
11 bia”.

12 (3) CLERICAL AMENDMENT.—The table of con-
13 tents for title XI of the Balanced Budget Act of
14 1997 is amended in the item relating to section
15 11233 by striking “Offender Supervision, Defender
16 and Courts Services” and inserting “Court Services
17 and Offender Supervision”.

18 (d) REPEAL OF CERTAIN AMENDMENTS AFFECTING
19 PUBLIC DEFENDER SERVICES.—Section 11272 of the
20 Balanced Budget Act of 1997 (Public Law 105–33; 111
21 Stat. 762) is hereby repealed, and any provision of law
22 amended or repealed by such section shall be restored or
23 revived as if such section had not been enacted into law.

24 (e) TRANSFER OF EMPLOYEES OF SERVICE TO FED-
25 ERAL RETIREMENT AND BENEFIT PROGRAMS.—

1 (1) IN GENERAL.—Section 305 of the District
2 of Columbia Court Reform and Criminal Procedure
3 Act of 1970 (DC Code, sec. 1–2705) is amended by
4 inserting at the end the following:

5 “(c)(1) Employees of the Service shall be treated as
6 employees of the Federal Government solely for purposes
7 of any of the following provisions of title 5, United States
8 Code: subchapter 1 of chapter 81 (relating to compensa-
9 tion for work injuries), chapter 83 (relating to retirement),
10 chapter 84 (relating to Federal Employees’ Retirement
11 System), chapter 87 (relating to life insurance), and chap-
12 ter 89 (relating to health insurance).

13 “(2) The Service shall make contributions under the
14 provisions referred to in paragraph (1) at the same rates
15 applicable to agencies of the Federal Government.

16 “(3) An individual who is an employee of the Service
17 on the date of the enactment of this subsection may make,
18 within 60 days after the issuance of regulations under
19 paragraph (4), an election under section 8351 or 8432 of
20 title 5, United States Code, to participate in the Thrift
21 Savings Plan for Federal employees.

22 “(4) This subsection shall apply with respect to all
23 months beginning after the date on which the Director of
24 the Office of Personnel Management issues regulations to
25 carry out this subsection.

1 “(5) For purposes of vesting pursuant to section
2 2610(b) of the District of Columbia Government Com-
3 prehensive Merit Personnel Act of 1978 (DC Code, sec.
4 1–627.10(b)), creditable service with the District for em-
5 ployees whose participation in the District Defined Con-
6 tribution Plan ceases as a result of implementation of this
7 subsection shall include service performed thereafter for
8 the Service.”.

9 (2) CONFORMING AMENDMENTS.—(A) Section
10 306 of the District of Columbia Court Reform and
11 Criminal Procedure Act of 1970 (DC Code, sec. 1–
12 2706) is amended—

13 (i) in subsection (a), by striking “Mayor of
14 the District of Columbia” and inserting “Office
15 of Management and Budget”; and

16 (ii) in subsection (b), by striking “Admin-
17 istrative Office of the United States Courts”
18 and inserting “Office of Management and
19 Budget”.

20 (B) Section 307(a) of the District of Columbia
21 Court Reform and Criminal Procedure Act of 1970
22 (DC Code, sec. 1–2707(a)) is amended to read as
23 follows:

24 “(a) There are authorized to be appropriated through
25 the Court Services and Offender Supervision Agency for

1 the District of Columbia (or, until such Agency assumes
2 its duties pursuant to section 11233(a) of the Balanced
3 Budget Act of 1997, through the Trustee appointed pur-
4 suant to section 11232 of such Act) in each fiscal year
5 such sums as may be necessary to carry out this chapter.
6 Funds appropriated pursuant to this subsection shall be
7 transmitted by the Agency (or, if applicable, by the Trust-
8 ee) to the Service. The Service may arrange by contract
9 or otherwise for the disbursement of appropriated funds,
10 procurement, and the provision of other administrative
11 support functions by the General Services Administration
12 or by other agencies or entities, not subject to the provi-
13 sions of the District of Columbia Code or any law or regu-
14 lation adopted by the District of Columbia Government
15 concerning disbursement of funds, procurement, or other
16 administrative support functions. The Service shall submit
17 an annual appropriations request to the Office of Manage-
18 ment and Budget.”.

19 (C) Section 11233 of the Balanced Budget Act
20 of 1997 (DC Code, sec. 24–1233) is amended by
21 adding at the end the following new subsection:

22 “(f) RECEIPT AND TRANSMITTAL OF APPROPRIA-
23 TIONS FOR PUBLIC DEFENDER SERVICE.—The Director
24 of the Agency shall receive and transmit to the District

1 of Columbia Public Defender Service all funds appro-
2 priated for such agency.”.

3 (f) EXEMPTION OF SERVICE FROM PERSONNEL AND
4 BUDGET CEILINGS.—Section 307 of the District of Co-
5 lumbia Court Reform and Criminal Procedure Act of 1970
6 (DC Code, sec. 1–2707) is amended by adding at the end
7 the following new subsection:

8 “(c) The Service shall not be subject to any general
9 personnel or budget limitations which otherwise apply to
10 the District of Columbia government or its agencies in any
11 appropriations act.”.

12 **SEC. 8. SICK LEAVE BUYOUT FOR DEPARTMENT OF COR-**
13 **RECTIONS EMPLOYEES.**

14 Notwithstanding any provision of District of Colum-
15 bia law, the Corrections Trustee appointed pursuant to
16 section 11202 of the Balanced Budget Act of 1997 may
17 set conditions and may provide that an employee of the
18 District of Columbia Department of Corrections who
19 meets such conditions will receive a lump-sum payment
20 for his or her accumulated and accrued sick leave, if the
21 employee is separated involuntarily and is not subse-
22 quently employed, without a break in service of more than
23 3 days, by the Bureau of Prisons or another Federal agen-
24 cy. The lump-sum payment for sick leave shall be cal-
25 culated by multiplying 50 percent of the employee’s rate

1 of basic pay, exclusive of additional payments of any kind,
2 by the number of hours of accumulated sick leave to the
3 employee's credit at the time of separation. The lump-sum
4 payment shall be considered pay for taxation purposes
5 only and shall not be used to confer any other benefit to
6 the employee.

7 **SEC. 9. WAIVER OF MAXIMUM ENTRY AGE REQUIREMENT**
8 **FOR LAW ENFORCEMENT OFFICER POSI-**
9 **TIONS IN THE DEPARTMENT OF JUSTICE.**

10 (a) IN GENERAL.—Notwithstanding any maximum
11 entry age which the Attorney General may have estab-
12 lished for law enforcement officers in the Department of
13 Justice under section 3307 of title 5, United States Code,
14 an employee of the District of Columbia Department of
15 Corrections may be hired by the Department of Justice
16 pursuant to section 11203(b) of the Balanced Budget Act
17 of 1997 in a law enforcement officer position if such em-
18 ployee will have completed at least 10 years of covered
19 service when the employee attains the minimum retire-
20 ment age described in section 8412(g) of title 5, United
21 States Code.

22 (b) SEPARATION.—Notwithstanding section 8425(b)
23 of title 5, United States Code, any employee hired by the
24 Department of Justice in a law enforcement position who
25 is described in subsection (a) shall be separated from serv-

1 ice with the Department on the last day of the month in
2 which such employee becomes 57 years of age, except that
3 if the Attorney General judges that the public interest so
4 requires, the Attorney General may exempt such an em-
5 ployee from automatic separation under this subsection
6 until that employee becomes 60 years of age.

7 **SEC. 10. EFFECTIVE DATE.**

8 Except as otherwise specifically provided, this Act
9 and the amendments made by this Act shall take effect
10 as if included in the enactment of title XI of the Balanced
11 Budget Act of 1997.

